## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

THOMAS E. MORIARTY,	)
Plaintiff,	) ) 8:05CV2
vs.	) ) ) ORDER
CREDIGY RECEIVABLES, INC. and STEWART & ASSOCIATES, P.C.,	) )
Defendants.	) )

This matter comes before the court on the application (Filing No. 15) of the plaintiff's counsel, William L. Reinbrecht, pursuant to NECivR 54.4 for payment of attorney's fees and costs after the plaintiff's acceptance of the offer of judgment made by the defendants. **See** Filing Nos. 11-14. Pursuant to the Offer of Judgment the plaintiff's counsel applied to the court for fees and costs.

The plaintiff seeks \$1,986.75 in fees and \$259.62 in costs. **See** Filing No. 15. Specifically, the plaintiff seeks compensation for 8.83 hours at \$225 per hour. The plaintiff filed an index of evidence in support of the application. **See** Filing No. 16. The defendants filed an objection (Filing No. 17) to the application. The defendants do not contest the amount of costs or the fee rate, but argue the fees are excessive in terms of the time taken to draft the complaint and administrative time. Additionally, the defendants contend the plaintiff's counsel had earlier indicated the attorney's fees involved were \$1,000.

On January 4, 2005, the plaintiff filed the instant action under the Fair Debt Collection Practices Act (FDCPA). **See** Filing No. 1. The plaintiff served the defendant who timely answered. **See** Filing Nos. 5, 9-10. On March 22, 2005, the defendants filed an Offer of Judgment, which the plaintiff accepted. On March 23, 2005, the Clerk of Court entered judgment in favor of the plaintiff in the amount \$1001.00. **See** Filing No. 14. Under the FDCPA, any debt collector who fails to comply with the FDCPA with respect to any person shall be liable to such person for any actual damage that may result, plus "such additional damages as the court may allow, but not exceeding \$1,000." Additionally, the plaintiff is eligible for reasonable costs and attorney's fees. **See** 15 U.S.C. § 1691k(a)(3). The Court finds that based on the amount of the judgment, early settlement of the claim

and complexity of issues that the plaintiff's application results in a reasonable amount of attorney's fees and costs. **See, e.g., Lee v. Thomas & Thomas**, 109 F.3d 302, 305-06 (6th Cir. 1997) (allowing \$1,106.85 in costs and fees based on rate of \$85 per hour for period from filing of complaint to early offer of judgment, where judgment entered for \$1200). Upon consideration,

## IT IS ORDERED:

- 1. The plaintiff's application for attorneys' fees (Filing No. 15) is granted.
- 2. The defendants' objection (Filing No. 17) is overruled.
- 3. That the plaintiff's counsel shall be paid \$1,986.75 in attorneys' fees for work in this matter.
  - 4. That the plaintiff's counsel shall be paid \$259.62 for the costs of this action. Dated this 26th day of April, 2005.

BY THE COURT:

s/Thomas D. Thalken United States Magistrate Judge